

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH BARNES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 11-438
	)	Chief Judge Gary L. Lancaster
WELLS FARGO BANK, N.A. <i>et al.</i> ,	)	Magistrate Judge Cathy Bissoon
	)	
Defendants.	)	
	)	

**MEMORANDUM ORDER**

On April 15, 2011, this case was referred to United States Magistrate Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

On September 7, 2011, the magistrate judge issued a Report (Doc. 19) recommending that Defendants' Motion to Dismiss (Doc. 5) be granted in part and denied in part.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 29th day of September, 2011, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. 5) is **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's claim under the Pennsylvania Unfair Trade Practices and Consumer Protection Law (Count IV) is **DISMISSED WITHOUT PREJUDICE**.

If appropriate and consistent with Federal Rule of Civil Procedure 11, Plaintiff may file an amended complaint no later than October 13, 2011 for the limited purpose of amending his Pennsylvania Unfair Trade Practices and Consumer Protection Law claim.

The Report and Recommendation of Magistrate Judge Bissoon dated September 7, 2011  
(Doc. 19) is hereby adopted as the Opinion of the District Court.

A handwritten signature in black ink, appearing to read "G. L. Lancaster", written over a horizontal line.

Gary L. Lancaster  
Chief United States District Judge

cc: All counsel of record (via CM/ECF e-mail)